GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Agriulture & CAD Department – Institution of Lokayukta of Andhra Pradesh, Hyderabad – Complaint No.1584/2012/B2 – Complaint against certain employees of Marketing Department - Disciplinary action initiated against Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa - Departmental proceedings under Rule 20 of the A.P. Civil Services (CC & A) Rules, 1991 - Articles of charge - Issued.

AGRIULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 8 **Dated: 16-01-2017**

READ:

From the Commissioner & Director of Agriculture Marketing, Govt. of A.P.
Guntur Lr.No.Ec-T/63/2015/DEE.II/Report on allegations/Lokayukta,
dated 31.10.2016.

*****

O R D E R:

It is proposed to hold an enquiry against Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa in accordance with the procedure laid down under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 for the alleged charges specified herein.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct and misbehavior in support of articles of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexure. III & IV).

3. Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa is directed to submit his written statement of defence within (15) days from the date of receipt of this order and also state whether he desires to be heard in person.

4. Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa is informed that an enquiry will be held only in respect of those articles of charge which is not specifically admitted herein. He should, therefore, specifically admit or deny each articles of charge. He is further informed that adequate opportunity for perusal of records will be made available during the course of inquiry.

5. Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa is further informed that if he does not submit his Written Statement of Defence on or before the stipulated time, or dose not appear in person before the disciplinary authority to otherwise fails or refuges to comply the with the provisions of Rule 20 of the APPCS (CC&A) Rules 1991, or the orders/directions issued in pursuance of said rules, the inquiring authority may hold enquiry against him ex-parte.

Contd.2.

6. Attention of Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964 under which no Govt. servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Govt. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

To
Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa
(Through the Commissioner & Director of Agricultural Marketing, A.P., Guntur)
The Commissioner & Director of Agricultural Marketing, A.P., Guntur.
Copy to:
The AG, AP., Hyderabad.
The Deputy Pay and Accounts Officer, Guntur.
The Agriculture & Cooperation (Marketing I/II) Dept.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT SHOWING THE ARTICLE OF CHARGES FRAMED AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER AGRICULTURAL MARKETING, VIJAYAWADA AND PRESENTLY WORKING EXECUTIE ENGINEER (AM) KADAPA

CHARGE-I:

That Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa has failed to discharge his legitimate duties and failed to follow prescribed procedures and committed irregularities in execution of following works.

1. Construction of 5000MT godown No.1 in Market Yard @ Gollapudi of A.M.C, Vijayawada
2. Construction of 5000MT godown No.2 in Market Yard @ Gollapudi of A.M.C, Vijayawada
3. Construction of 5000MT godown No.3 in Market Yard @ Gollapudi of A.M.C, Vijayawada
4. Construction of 5000MT godown in Market Yard @ Tiruvuru of A.M.C, Tiruvuru.

Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa has committed Grave irregularities during execution of works and failed to follow prescribed procedure laid down for calculation of price escalation with reference to the agreement conditions and also relevant circulars, Government orders, which recommended the payment of price adjustment to the contractor even when the contractor has not completed the work within the stipulated Agreement period and impose fine of Rs. 20,000/- per each godown. An amount of Rs. 15,87,903/- and of Rs. 10,15,550/- was paid to the contractors towards price adjustment in respect of Gollapudi godowns and Tiruvuru godown irregularly to a total of Rs. 26,03,453/- loss to the Government Exchequer.

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-II

A STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOR IN SUPPORT OF ARTICLES OF CHARGE AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER AGRICULTURAL MARKETING, VIJAYAWADA AND PRESENTLY WORKING EXECUTIE ENGINEER (AM) KADAPA

As per Appraisal report of Institution of Lokayukta vide complaint No. 1584/2012/B2 under Rule 5(8) of the Andhra Pradesh Lokayukta and Upa-Lokayukta (Investigation) Rules, 1984 dt. 11.05.2015, Sri K. Jayasekhar, the then Executive Engineer, Agricultural & Marketing, Vijayawada and presently working Executive Engineer (AM), Kadapa has derelicted his legitimate duties and pointed out the irregularities committed in execution of the said works as furnished bellow.

1. In accordance with Para No. 187 of APPW 'D' code, departmental officers should not change the specifications during execution, without prior approval of the authority and also the change in specification should not be proposed unless it is economical. But, in respect of Gollapudi godowns, the foundations are altered from open foundations to pile foundations, which contravened the said provisions. Moreover, it is reported that pile foundations are cheaper than open foundations without justification duly mis guide the higher authorities, which is incorrect and irregular.

2. In accordance with the circular No: Ec/D3/Engg/2009-10, Dt. 23-07-2009 of the Superintending Engineer(AM), Hyderabad, that payment of work bills shall not be recommended to AMCs without granting the E.O.T from the competent authorities, where the agreement period lapses. The Executive Engineer (AM), Vijayawada did not follow the circular orders and recommended many bills after expiry of Agreement period without granting E.O.T from the competent authorities, which is irregular.

3. Allowed the contractor to continue the execution of the work beyond the validity period of the agreement and without E.O.T, which is irregular.

4. In respect of Tiruvuru godown " plastering specification has altered from 12mm thick to 20mm and 12mm in two coats at two surfaces of 14'' walls, which difference of amount comes to Rs. 8,74,735/- without justification.

5. In respect of Tiruvuru godown" Sand filing is altered with crusher dust, which difference of amount comes to RS. 2,92,605/- without justification.

6. In respect of Tiruvuru godown " without obtaining a resolution from AMC, Tiruvuru, the Executive Engineer has Just submitted a report to the Commissioner& Director of Agricultural Marketing, Hyderabad to accord the revised Administrative sanction for Rs.270 lakhs, which is irregular.

7. Without completing the execution of the work and after imposed fine of Rs. 20,000/- per each godown, payment was made to an amount of Rs.26,03,453/- to the contractors for Gollapudi & Tiruvuru godowns works towards price Adjustment is highly irregular and loss to the Government

Thus, the charged officer has mis-utilized the Government funds and it is evident that he has shown gross negligence towards his legitimate duties and violated Rule (3) of Andhra Pradesh civil services (conduct) Rules, 1964.

Hence, the charge.

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF THE DOCUMENTS BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER AGRICULTURAL MARKETING, VIJAYAWADA AND PRESENTLY WORKING EXECUTIE ENGINEER (AM) KADAPA

1) **Letter Dis.No : 1584/2012/B2/3230/2015 of Registrar, Institution of Lokayukta for the states of Andhra Pradesh & Telangana dt. 11/05/2015 along with reports of Director (Investigation) and Deputy Director (Investigation) and Judicial orders of upa-Lokayukta.**

ANNEXURE-IV

LIST OF WITNESSES BY WHICH THE ARTICLE OF CHARGES FRAMED AGAINST SRI K.JAYASEKHAR, THE THEN EXECUTIVE ENGINEER AGRICULTURAL MARKETING, VIJAYAWADA AND PRESENTLY WORKING EXECUTIE ENGINEER (AM) KADAPA

---NIL---

B.RAJASEKHAR
SPL.SECRETARY TO GOVERNMENT (FAC)

// FORWARDED BY ORDER //

SECTION OFFICER